



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA-R05-RCRA-2018-0228; FRL-9994-75-Region 5]

Michigan: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting Michigan final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on October 10, 2018, and provided for public comment. No comments were received on the proposed revisions. No further opportunity for comment will be provided.

DATES: This final authorization is effective [*insert date of publication in the Federal Register*].

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R05-RCRA-2018-0228. The Docket ID No. was identified as EPA-R05-RCRA-2017-0381 in the proposed rule published in the October 10, 2018, *Federal Register* at 83 FR 50868, but that Docket ID No. was incorrect. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be

publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Judith Greenberg, RCRA C and D Section, Land and Chemicals Branch, Land, Chemicals and Redevelopment Division, U.S. Environmental Protection Agency, 77 W. Jackson Blvd., Chicago. IL 60604, phone number: (312) 886-4179, email: greenberg.judith@epa.gov.

SUPPLEMENTARY INFORMATION:

A. What changes to Michigan's hazardous waste program is EPA authorizing with this action?

On March 2, 2018, Michigan submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that Michigan's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this final rule, please see the proposed rule published in the October 10, 2018, *Federal Register* at 83 FR 50869.

B. Which revised state rules are different from the federal rules? See the October 10, 2018, proposed rule for a description of which state rules are different from the federal rules, with one exception. The proposed rule incorrectly stated that Michigan has proposed additions to its Universal Wastes that will add Antifreeze, Aerosol Cans and Paint Wastes that are not already regulated as hazardous waste. This statement should be disregarded.

C. What is codification and is EPA codifying the Michigan's hazardous waste program as

authorized in this rule?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized state rules in 40 CFR Part 272. EPA is not codifying the authorization of Michigan's revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart X for the authorization of Michigan's program changes at a later date.

D. Statutory and Executive Order Reviews

This final authorization revises Michigan's authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by state law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the proposed rule published in the October 10, 2018 *Federal Register* at 83 FR 50869. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the *Federal Register*. A major rule cannot take effect until 60 days after it is published in the *Federal Register*. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This final action will be effective on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: May 21, 2019.

Cheryl L. Newton,
Acting Regional Administrator, Region 5.
[FR Doc. 2019-11895 Filed: 6/5/2019 8:45 am; Publication Date: 6/6/2019]